

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 226 of 1997

in

SPECIAL CIVIL APPLICATION No 2030 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and
MR.JUSTICE H.L.GOKHALE

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

CHOILA GRAM PANCHAYAT

Versus

APPEAL COMMITTEE OF SABARKANTH DIST PANCHAYAT

Appearance:

MR BB NAIK for Petitioner
MR YS LAKHANI for Respondent No. 2

CORAM : MR.JUSTICE C.K.THAKKER and
MR.JUSTICE H.L.GOKHALE

Date of decision: 02/04/97

ORAL JUDGEMENT

1. Mr.Naik, learned counsel for the appellant seeks

permission to delete Respondent Nos.1 and 9. Permission granted. Respondent Nos.2 to 8 will now become Respondent Nos.1 to 7.

2. Admitted. Mr. Y.S.Lakhani appears and waives service of admission on behalf of all the Respondents. In the facts and circumstances of the case, this matter is taken up for final hearing.

3. This appeal is directed against the order passed by the learned Single Judge summarily dismissing Special Civil Application No. 2030 of 1997. The appellant is a Gram Panchayat, which has issued notice against the respondent restraining them from making construction contrary to law. When the construction was sought to be made, notice was issued and we are told that the matter is pending before the Appellate Committee of Sabarkantha District Panchayat, at Himatnagar. The counsel makes grievance that on one hand the appellate committee is not deciding the appeal and on the other hand stay is granted against the action being taken by the appellant Panchayat against the Respondents. In our opinion, contention is well founded. When the matter is pending before the Appellate Committee, it is expected of the Appellate committee to dispose of the same immediately in accordance with law. Hence, the appellate committee is directed to dispose of the appeal as expeditiously as possible preferably before 12th May 1997. The appeal is accordingly disposed of with no order as to costs. D.S. permitted.
